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October 21, 2020

Via ECF

The Honorable Ronnie Abrams,
United States District Court for the Southern District of New York,
Thurgood Marshall United States Courthouse,
40 Foley Square,
New York, NY 10007.

Re: In Re Ex Parte Application of Porsche Automobil Holding SE for an
Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery
for Use in Foreign Proceedings, No. 1:19-mc-00166-RA-SDA

Dear Judge Abrams:

On behalf of Applicant Porsche Automobil Holding SE (“PSE”) in the above-referenced action, we respectfully request leave to file a short sur-reply responding to the reply of Respondents Elliott Associates, L.P., Elliott Capital Advisors, L.P., Elliott International Capital Advisors Inc., and Elliott Management Corporation (together, “Elliott”) in support of their motion for reciprocal discovery pursuant to 28 U.S.C. § 1782 (Dkt. 75) and to the accompanying supplemental declaration of Josef Broich and Dr. Olaf Gierke (Dkt. 76).

In the proposed sur-reply and supporting declaration appended to this letter as Exhibits A and B, PSE addresses Elliott’s newly raised claims and misstatements to ensure that the record before the Court is complete and accurate. *See, e.g., Grocery Haulers, Inc. v. C & S Wholesale Grocers, Inc.*, 2012 WL 4049955, at *6 (S.D.N.Y. Sept. 14, 2012) (“Courts have broad discretion to consider arguments in a sur-reply, particularly when new arguments are put forth in a reply brief” (internal quotations omitted)); *Jenkins v. N.Y.C. Police Dep’t*, 2015 WL 4660899, at *2 (S.D.N.Y. Aug. 6, 2015) (sur-reply granted where “reply brief raised new arguments”).

The Honorable Ronnie Abrams

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Respectfully,

/s/ Robert J. Giuffra, Jr.

Robert J. Giuffra, Jr.
Suhana S. Han

*Counsel for Porsche
Automobil Holding SE*

cc: Counsel of Record (via ECF)